

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DORIS KATHLEEN SINGLETON,
Personal Representative of the ESTATE
OF EDDIE LORENZO SINGLETON,

Plaintiff,

Case No. 1:14-CV-172

v.

HON. ROBERT HOLMES BELL

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION AND ORDER

Doris Kathleen Singleton, Personal Representative of the Estate of Eddie Lorenzo Singleton, filed this wrongful death action against the United States pursuant to the Federal Tort Claim Act, alleging negligence on the part of medical professionals employed by the United States Department of Veterans Affairs. The parties have negotiated a settlement.

This action comes before the Court on Plaintiff's motion for approval of settlement, attorney fees and costs, and authority to distribute proceeds, and on objections to the report filed by Tanya Kidd, on behalf of her minor child, Karlie Singleton, who is a child of decedent Eddie Lorenzo Singleton. (ECF Nos. 88, 90.) Tanya Kidd has requested the Court to appoint a guardian ad litem to represent Karlie Singleton's interests, and has further requested that the Court not approve the motion for authority to distribute proceeds until a guardian ad litem is appointed for Karlie Singleton and has submitted a written report.

The Michigan wrongful death statute provides that notice of hearing on a motion for authority to distribute proceeds of a settlement shall be served on all interested persons. Mich. Comp. Laws § 600.2922(b). The statute further provides that if any interested person is a minor, a guardian ad litem shall be appointed and shall be given notice of the motion for authority to distribute proceeds. Mich. Comp. Laws § 600.2922(c). No guardian ad litem has been appointed for Karlie Singleton. At the hearing on July 22, 2015, it also became apparent that there are other interested persons who are minors who have not been appointed a guardian ad litem in this matter.

At the hearing on July 22, 2015, the Court approved the settlement. However, the Court cannot authorize the distribution of the settlement proceeds until a guardian ad litem has been appointed for the interested minors and notice of a hearing on the motion has been served on the guardian ad litem. The Court will appoint Anna Rapa, an attorney in good standing in this court, as guardian ad litem for Karlie Singleton. The Court will direct the guardian ad litem to take reasonable steps to identify any other interested minors, and to prepare and file a written report within thirty (30) days of this order in response to Plaintiff's motion for authority to distribute on behalf of all such interested minors.

The Court will reschedule the hearing on the motion for authority to distribute proceeds. In advance of the hearing, the guardian ad litem shall submit a voucher of services provided. Payment for the services of the guardian ad litem will be made from the proceeds of the settlement.

On oral motion of Attorney Laura Morris, who represented Tanya Kidd for purposes of requesting a guardian ad litem, the Court will discharge Morris from further representation of Tanya Kidd. The guardian ad litem is authorized to contact Tanya Kidd directly. Accordingly,

IT IS HEREBY ORDERED that Attorney Anna Rapa is **APPOINTED** guardian ad litem for Karlie Singleton.

IT IS FURTHER ORDERED that the guardian ad litem shall take reasonable steps to **IDENTIFY** any other minors who are interested parties under the Michigan wrongful death statute.

IT IS FURTHER ORDERED that the guardian ad litem shall file a **WRITTEN RESPONSE** to the motion to authorize distribution of settlement proceeds (ECF No. 88) within thirty (30) days of this order.

IT IS FURTHER ORDERED that the guardian ad litem shall submit a **VOUCHER** of services provided.

IT IS FURTHER ORDERED that Attorney Laura Morris is **DISCHARGED** from any further representation of Tanya Kidd.

Dated: July 23, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE